

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

TRUDY CLARK, *et al.*,

Plaintiffs,

v.

BETH ISRAEL DEACONESS MEDICAL
CENTER, *et al.*,

Defendants.

Case No.: 1:22-CV-10068-DJC

**MOTION FOR FINAL APPROVAL OF CLASS ACTION SETTLEMENT AND
ATTORNEYS' FEES, EXPENSES, AND CASE CONTRIBUTION AWARDS**

Plaintiffs Trudy Clark, Donna Nesmith, Jessica Smith, and Shelly Stack, on behalf of the Beth Israel Deaconess Medical Center 401(k) Savings and Investment Plan and the Beth Israel Deaconess Medical Center Voluntary 403(b) Plan (collectively, the “Plan”), hereby move (the “Motion”) pursuant to Federal Rule of Civil Procedure 23 for entry of an Order that: (1) finally approves the Settlement Agreement dated May 4, 2023 with Beth Israel Deaconess Medical Center, the Board of Directors of Beth Israel Deaconess Medical Center, and the Pension Committee of Beth Israel Deaconess Medical Center, filed on May 5, 2023;¹ (2) maintains certification of the Settlement Class; (3) finds the manner in which the Settlement Class was notified of the Settlement was the best notice practicable under the circumstances, and fair, reasonable, and adequate; (4) approves the Plan of Allocation; and (5) awards attorneys’ fees of 25% of the Net Settlement Amount (inclusive of expenses) and \$7,500 each to Plaintiffs.²

For the reasons set forth in the Settlement Agreement, accompanying memorandum of

¹Terms not defined herein shall have the same meaning as in the Settlement Agreement.

²If helpful to the Court, Plaintiffs would be happy to provide a Word version of the proposed Final Approval Order.

law, and all supporting papers, as well as the record in this litigation, Plaintiffs respectfully submit that the proposed settlement memorialized in the Settlement Agreement is fair, reasonable, and adequate, and should be finally approved, the Settlement Class should be maintained through entry of a final judgment, and the related applications should be granted.

Plaintiffs stand ready to provide any additional information that the Court may require in connection with its consideration of the Motion.

DATED: August 8, 2023

Respectfully submitted,

/s/ Alec J. Berin
James C. Shah
Alec J. Berin
MILLER SHAH LLP
1845 Walnut Street, Suite 806
Philadelphia, PA 19103
Telephone: (866) 540-5505
Facsimile: (866) 300-7367
Email: jcshah@millershah.com
ajberin@millershah.com

James E. Miller
Laurie Rubinow
MILLER SHAH LLP
65 Main Street
Chester, CT 06412
Telephone: (866) 540-5505
Facsimile: (866) 300-7367
Email: jemiller@millershah.com
lrubinow@millershah.com

Kolin C. Tang
MILLER SHAH LLP
201 Filbert Street, Suite 201
San Francisco, CA 94133
Telephone: (866) 540-5505
Facsimile: (866) 300-7367
Email: kctang@millershah.com

Anna K. D'Agostino
MILLER SHAH LLP
225 Broadway, Suite 1830
New York, NY 10007
Telephone: (866) 540-5505
Facsimile: (866) 300-7367
Email: akdagostino@millershah.com

Mark K. Gyandoh
CAPOZZI ADLER, P.C.
312 Old Lancaster Road
Merion Station, PA 19066
Tel: (610) 890-0200
Fax: (717) 233-4103
Email: markg@capozziadler.com

Donald R. Reavey
CAPOZZI ADLER, P.C.
2933 North Front Street
Harrisburg, PA 17110
Tel: (717) 233-4101
Fax: (717) 233-4103
Email: donr@capozziadler.com

John Roddy
Elizabeth Ryan
BAILEY & GLASSER LLP
176 Federal Street, 5th Floor
Boston, MA 02110
Tele: (617) 439-6730
Fax: (617) 951-3954
Email: jroddy@baileyglasser.com
eryan@baileyglasser.com

*Attorneys for Plaintiff, the Plan,
and the Settlement Class*

CERTIFICATE OF SERVICE

I certify that, on August 8, 2023, I caused the foregoing document to be filed using the Court's CM/ECF system, which thereby sent notice to all counsel of record.

/s/ Alec J. Berin
Alec J. Berin